

**YADKIN COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MINUTES**  
**Monday, November 3, 2008**

The Yadkin County Board of Commissioners met in Regular Session on Monday, November 3, 2008, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

**Present were:**

Chair Kim Clark Phillips  
Vice Chair Joel Cornelius  
Commissioner Tommy Garner  
Commissioner Chad Wagoner  
Commissioner Brady Wooten

**Staff present:** County Attorney, James Graham; County Manager, Stan Kiser; and Clerk to the Board, Gina Brown.

**CALL TO ORDER** by Chair Phillips at 9:02am.

**INVOCATION** led by James Graham.

**PLEDGE OF ALLEGIANCE** led by Chair Phillips.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

**Commissioner Wooten made a motion to approve the agenda as presented. Commissioner Wagoner second.**

**Vote: 5/0**

**PUBLIC COMMENTS**

Public Comments portion of the meeting was open at 9:03. There were no speakers for today's meeting. Public Comments portion of the meeting closed at 9:04am.

## **APPROVAL OF MINUTES**

Commissioner Cornelius requested the following adjustment to the October 20, 2008 minutes:

Pg. 10 – 2<sup>nd</sup> paragraph – 3<sup>rd</sup> sentence: “Unifi had the 2 largest capital investments in Yadkin County history and built 2 plants across from the state prison.

Chair Phillips requested the following adjustment to the October 20, 2008 minutes:

Pg. 3 – Add an acknowledgement that the Public Hearing was closed.

Pg. 2 – 1<sup>st</sup> paragraph: questioned the term “County Ordinance”. Attorney Graham stated that no change is needed.

**Vice Chair Cornelius made a motion to approve the October 20, 2008 Regular Meeting Minutes with noted adjustments. Commissioner Wooten second.  
Vote: 5/0**

## **PUBLIC HEARING**

**Solid Waste Director, Cheri Cranfill** reviewed a proposed Solid Waste Franchise Ordinance. Director Cranfill remarked that this is not a new ordinance, but reflects additions and changes recommended by the Solid Waste Committee. Although a public hearing is not required, the Solid Waste Committee recommended a public hearing on this matter.

**Commissioner Wooten made a motion to set a public hearing for the Solid Waste Franchise Ordinance for November 17, 2008 at the regular meeting of the Board. Vice Chair Cornelius second.  
Vote: 5/0**

## **BOARD APPOINTMENTS**

The Board of the Juvenile Crime Prevention Council (JCPC) has requested reappointment of Tonia Goad for a 2 year term. Commissioner Wooten, who also serves on this Board, commented that Ms. Goad is a dependable member, has good attendance, and contributes to the process.

**Commissioner Wooten made a motion to reappoint Tonia Goad to the Juvenile Crime Prevention Council Board for a 2-year term beginning November 1, 2008 and ending October 31, 2010. Vice Chair Cornelius second.**

**Vote: 5/0**

Chair Phillips asked Commissioner Wooten to thank Ms. Goad for her participation.

## **BOARD REPORTS/REQUESTS**

[As representatives for the Yadkin County Board of Education and Yadkin County Economic Development had not yet arrived for their presentations, the Board acknowledged Scott Gallman of DOT to begin the reports.]

(1) **Scott Gallman, County Maintenance Engineer for NCDOT**, appeared before the Board to discuss the 2008-2009 Secondary Road Improvement Program for Yadkin County. Mr. Gallman introduced the DOT staff:

**Joel Riley – Transportation Supervisor**

**Carol Milholand – Office Assistant**

**Brenda Robbins – Office Assistant**

**Brandon Whitaker – District Engineer**

Mr. Gallman provided an overview of the allocation process for the Secondary Road Program. North Carolina General Statutes 136-44.2 (a) establishes the allocation based on the number of road miles in Yadkin County when compared to the statewide total. Paving priority number for unpaved roads is determined by the given characteristics of the road; such as the number of homes, businesses, schools, worship centers, and recreational facilities. Traffic, thoroughfare, and school bus routes are also considered.

The anticipated allocation for 2008-2009 is \$1,995,968.20. Priorities 1-10 for Yadkin County are already frozen. Priorities 15-23 are as follows:

- #15 Eula Road – \$225,000
- #16 Cartner Road - \$150,000
- #17 Big Valley Road - \$150,000
- #18 Crissman Road - \$375,000
- #19 Kimberly Lane - \$150,000
- #20 Chapel Road - \$100,000
- #21 Valley Road - \$275,000
- #22 Mt. Pleasant Road - \$70,000
- #23 Waterwheel Road - \$25,000 (partial)

Priorities 15-23 represent a subtotal of \$1,520,000 for total mileage of 5.51 miles. The paving alternatives in the event those rights of ways are not obtained on 15-23, are as follows:

- #24 Wagoner Road - \$250,000
- #25 Union Hill Road - \$100,000

This allocation also includes \$100,000 for repair of unpaved roads; \$50,000 for maintenance and repair of paved and unpaved roads; and \$325,968.25 for surveys, right of way acquisitions, contingencies, and the paving of entrances to fire departments and rescue squads.

All of these projects are subject to environmental review, acquisition of right-of-ways, and the availability of funding. If the funding should be greater than anticipated, DOT will continue to follow the priority list.

Chair Phillips asked for clarification on priorities 1-10. Mr. Gallman explained that these roads are frozen and cannot be removed from the list regardless of the point system. Repair and improvements to priorities 1-10 is imminent unless there are right-of-way issues. Commissioner Wagoner also inquired about priorities 11-14. Mr. Gallman explained that those roads have already been paved and DOT is now prioritizing beginning with number 15.

Chair Phillips noted that the Board will be addressing a Resolution in today's meeting asking that DOT allocate \$600,000 for traffic flow and possible turn lanes at the two new middle school sites. Chair Phillips asked Mr. Gallman if he had any feel for the outcome of that request. Mr. Gallman stated that his

office does manage funds for turn lanes and traffic control. Mike Pettyjohn of the District Office in Wilkesboro would manage those allocations.

Commissioner Garner noted that state maintenance ends at a specific point on Cook Road and asked Mr. Gallman to explain why the entire road is not maintained. Mr. Gallman explained that it is the policy of DOT to follow GIS mapping. It appears that the unmaintained portion of Cook Road has not been added to the mapping system. Mr. Gallman further remarked that the residents of Cook Road can petition DOT to add that portion of the road to the GIS mapping system.

Mr. Gallman defined unpaved road improvements as building the road to minimum construction and engineering standards, preparing the base and drainage, and completing the process with tar and gravel. General secondary spot improvements would encompass adding stone, grading, repairing holes, and repairing culverts.

The public hearing for the 2008-2009 Secondary Road Improvement Program for Yadkin County was opened at 9:20am. There were no speakers on this issue. The public hearing closed at 9:20am.

Mr. Gallman instructed the Board that there were 3 options:

- (1) Concur with the DOT on the proposed plan,
- (2) Take no action at all,
- (3) Make their own suggestions for road improvements.

**Commissioner Wagoner made a motion to accept the DOT proposal for the 2008-2009 Secondary Road Improvement Program for Yadkin County.**

**Commissioner Wooten second.**

**Vote: 5/0**

**(2) Dr. Jim Benfield, Superintendent of Yadkin County Schools**, presented a Resolution Requesting DOT Allocate \$600,000 for Highway Improvements for 2 Yadkin County Middle Schools. Dr. Benfield explained that the resolution must come from the Board of Commissioners. Dr. Benfield clarified that this \$600,000 would not be deducted from any other DOT allocation, but would be in addition to the County's allocation.

**Commissioner Wooten made a motion to adopt the RESOLUTION REQUESTING DOT ALLOCATE \$600,000 FOR HIGHWAY IMPROVEMENTS FOR TWO (2) YADKIN COUNTY MIDDLE SCHOOLS. Vice Chair Cornelius second.**

The resolution follows as read by Chair Phillips:

*WHEREAS, the North Carolina Department of Transportation has approved the appropriation of Six Hundred Thousand Dollars (\$600,000) for highway and site improvements to the new Forbush Middle School and Starmount Middle School projects; and*

*WHEREAS, the North Carolina Department of Transportation has requested the acceptance, the approval and the consent of the Board of Commissioners of Yadkin County for these improvements; and*

*WHEREAS, the Board of Commissioners acknowledges the benefits arising to Yadkin County from the realization of these highway and site improvements.*

*NOW THEREFORE IT IS HEREBY RESOLVED that the Board of Commissioners of Yadkin County hereby acknowledges its consent, acceptance and approval of the highway and site improvements to the new Forbush Middle School and Starmount Middle School projects and the allocation of funds from the North Carolina Department of Transportation for realization of these improvements.*

**Vote: 5/0**

***[The RESOLUTION REQUESTING DOT ALLOCATE \$600,000 FOR HIGHWAY IMPROVEMENTS FOR TWO (2) YADKIN COUNTY MIDDLE SCHOOLS is attached as Addendum A]***

Chair Phillips noted a letter she had received from a citizen of the Longtown Road area that is concerned about the traffic flow of the area once the middle schools are complete. Chair Phillips asked Dr. Benfield to respond to the citizen and report today's action by the Board.

Dr. Benfield reviewed a Resolution of the Yadkin County Board of Education requesting the Board of Commissioners' approval for purchase of real property. Dr. Benfield reported that the Board of Education has the option to purchase 14.5 acres for a shooting range for Forbush High School and the new Forbush Middle School. No additional funds are required. Dr. Benfield reported that the cost was negotiated reducing the amount to \$9,500 per acre. The Forbush Hunter Safety Booster Club has expressed interest in assisting with the construction costs of the shooting range.

**Vice Chair Cornelius made a motion to approve the Yadkin County Board of Education's RESOLUTION REQUESTING APPROVAL TO PURCHASE REAL PROPERTY for the purpose of a shooting range for Forbush High School and Middle School Hunter Safety Teams. Commissioner Garner second.** Commissioner Wooten reiterated that no new county money was involved and that construction cost would be covered by the Booster Club. Dr. Benfield acknowledged that he does not have a written agreement with the Booster Club, but feels confident that the Club is eager to finalize the project. Chair Phillips acknowledged Tommy Hughes, Coach of the Forbush Elementary School Hunter Safety Team. Mr. Hughes felt comfortable that the shooting range could be constructed with Booster Club funds. Chair Phillips congratulated Mr. Hughes on another national championship for his Forbush Elementary Team. Yadkin County Schools Maintenance director remarked that the Booster Club would provide for the operational costs. The school system would be responsible for grounds maintenance only. Chair Phillips asked Mr. Hughes to address the safety for the surrounding property. Mr. Hughes reported that representatives from the NRA had surveyed and approved the property for use by the high school and middle school teams. Dr. Benfield added that the layout of the range and the topography of the land allow for a very safe environment. There was some discussion regarding housing that may be constructed in the future. Dr. Benfield remarked that future growth in the area could not be reasonably assumed and that the design of the shooting range was determined by the current surroundings. Commissioner Garner compared the construction of the Farmington Drag Strip built in 1965 to the construction of the shooting range; stating that there were no surrounding homes when the drag strip was built.

**Vote: 5/0**

*[The RESOLUTION REQUESTING APPROVAL TO PURCHASE REAL PROPERTY  
is attached as Addendum B]*

As their terms will soon expire, Dr. Benfield offered his thanks to Chair Phillips and Vice Chair Cornelius for their support of Yadkin County Schools.

(3) **Bobby Todd, Director of Economic Development**, appeared before the Board for a monthly update. Mr. Todd reported the following:

- (a) Economic development projects remain strong. There are new and continuing negotiations.
- (b) There were approximately 3000 visitors for the recent Grape Festival. Wineries reported good sales. Visitors spent 1 or 2 nights in Yadkin County. Shuttles were available from area hotels, including Dobson. Shuttle service was a popular addition to the program. A financial impact study of the Grape Festival is planned.
- (c) Unifi continues to move equipment into the T2 building. Lydall continues their expansion. Phillips Van Heusen has completed their facility additions and has begun moving equipment. The recycling center opened recently. Dorsett's is expanding.
- (d) The Yadkin County Map is complete. The Tourism Development Authorities have identified areas that need to be more pronounced and would like the map to indicate exactly how to travel to each winery.
- (e) Closing with Bepco on the Sara Lee plant is scheduled for November 10. Bepco will begin their complete move in January. Bepco is currently employing 100. The number of new hires has not been determined, but Bepco will have a positive impact on Yadkin County.

Chair Phillips reported attending a recent lecture given by Dr. John Duca of the Federal Reserve of Texas. Dr. Duca lectured on the state of affairs once the country emerges from its current economic crisis. Chair Phillips remarked that Yadkin County has not experienced the same economic turndown as the west coast and the southeastern region. Chair Phillips asked Mr. Todd if positive growth can be expected in our area despite the economic crisis in other areas. Mr. Todd surmised that Yadkin County has not experienced the economic crisis as other areas because Yadkin County tends to move forward more slowly in regard to infrastructure and economic development. Economic turndown will have less impact in a slower economic region.



Mr. Todd reported that medals from the Yadkin County bicentennial celebration had been located at the old YVEDDI building. Mr. Todd asked the Board to surplus these medals and other various items to the Chamber of Commerce. Funds raised from the sale of these items will merge with the current economic development funds.

**Commissioner Wooten made a motion to approve the surplus of Bicentennial materials to the Chamber of Commerce and to allow the Chamber of Commerce the benefit of any revenues from the sale of those materials. Vice Chair Cornelius second.**

**Vote: 5/0**

(4) **Robert Smith, Project Manager for Mosley Architects**, appeared before the Board for updates on the Yadkin County Jail project. Mr. Smith reported that the plans are complete and Mosley will be ready to advertise for bids on November 9. Bid openings will occur on December 18. All state approvals have been obtained with the exception of the Department of Health and Human Services (DHHS). DHHS representative, Thad Ferree, gave Moseley the permission to go forward with the advertising. Mr. Smith reported that bids should be competitive as there are many hungry contractors at this stage in the economy. There were some concerns about the original estimated cost considering the delay in construction. Mr. Smith acknowledged that he was slightly concerned with the great delay since the last cost analysis, but offered that there have been price decreases in copper materials and concrete and that construction costs are the best they have been in 3 years.

Commissioner Wooten asked Mr. Smith to describe the bid process. Mr. Smith reported that bid packages call for one general contractor for the project with the option to subcontract. Bid packages will be available through the Moseley Office with a refundable deposit. Moseley will keep a list of all contractors that request a bid package. In order to prevent any misconception that one contractor had an advantage over the other, Moseley will not answer questions or accept phone calls on the project during the bidding process. Requests for bids will be advertised in various state newspapers as well as local. Bids will be requested for a 70-bed facility with an add-alternate 110-bed option.

Commissioner Garner noted that a project of this size could increase \$1 million in cost for every 3 years of delay. Mr. Smith added that a 10% increase per year can be anticipated.

Chair Phillips commented that two current members will leave the Board in December. Chair Phillips asked Mr. Smith to describe the process for building a jail facility in the downtown area in the event that the future Board elects to move the site. Mr. Smith explained that the facility would have to be totally redesigned. Plans for the structure are specific to the site and cannot simply transfer to another location. Moseley examined the downtown area for the jail facility some time ago and found major site issues. Mr. Smith estimated 3 months for re-design at a cost of \$300,000 and an additional 6 months for all state required permits. Mr. Smith added that the Sheriff's Office was instrumental in getting state approval for the Hoots Road site but State approval for the downtown site would be speculative. Meanwhile, construction costs would continue to grow. Chair Phillips concluded that a site change would result in substantial, significant costs and delays.

Commissioner Wooten asked Mr. Smith to revisit the cost estimates for the jail. Mr. Smith replied that he does not have those figures with him today, but that the cost estimates have not changed since Moseley's last report. Commissioner Wagoner pointed out that the figures are noted on the project ordinance.

Commissioner Wooten remarked that the financing schedule is a 14 step process that will not be complete until January 21. Commissioner Wooten asked the Board to consider delaying any decisions on jail construction for the new Board that will be seated in December. Chair Phillips responded that this Board has a Superior Court Judge that has ordered the Board to move ahead on the jail with all deliberate speed. Further, it is the responsibility of each Board member to carry out the duties of the job until out of office. Chair Phillips suggested that Mr. Wooten contact David Lawrence at the School of Government for any clarification on Board responsibilities. Commissioner Garner offered agreement with Chair Phillips statements.

**Commissioner Garner made a motion to move forward with the financing calendar as presented. Vice Chair Cornelius second.**

Vice Chair Cornelius asked Mr. Smith if he had reviewed the financing calendar. Mr. Smith responded that he had assisted with the calendar. Commissioner Wooten commented that Commissioners have a responsibility to provide adequate jail facilities and that he is committed to providing them. However, Commissioner Wooten stated that this process is not correct. Commissioner Garner remarked that the Board is committed to do what's best for the County, economically speaking. Commissioner Wagoner asked Mr. Smith if the calendar was adequate or if it was an attempt to circumvent any system. Mr. Smith reported that this calendar represents typical procedure. Mr. Smith was concerned about the timing considering the upcoming holidays and therefore placed an additional week in the calendar to account for those holidays. Commissioner Garner asked Mr. Smith if there was any other option more fiscally responsible than the current plan. Mr. Smith agreed that the current jail plans are the most fiscally responsible based on the current figures. Mr. Smith added that the proposed jail will be a safe facility for pre-trial detention and not a prison. Further, Mr. Smith explained that the proposed facility will be fully contained, operationally safe, and has been designed appropriate to Yadkin County with future growth in mind. Commissioner Garner remarked that this Board is often accused of not listening to their constituents Commissioner Garner referenced a quote by President Woodrow Wilson that states "My constituents are the next generation." County Manager Kiser and County Attorney Graham both acknowledged their comfort with the calendar as presented.

**Vote: 4/1 (Wooten against)**

*[Financing Calendar for the Yadkin County Jail is attached as Addendum C]*

## **BOARD ACTION**

(1) Joe Boyette, Parks and Recreation Director, presented a budget amendment for the receipt of revenue from the Barnard Trust Grant. These funds will be used to construct restrooms accessible to the walking track, amphitheatre, and disc golf at the Yadkin County Park. Chair Phillips commended Director Boyette and Clerk Brown for their work in securing this grant.

**Vice Chair Cornelius made a motion to approve the budget amendment of additional revenue for the Parks and Recreation Department.**

**Commissioner Wooten second.**

**Vote: 5/0**

(2) All other budget amendments presented in the agenda were reviewed.

**Vice Chair Cornelius made a motion to approve the budget amendments for the Health Department, Cooperative Extension, and Soil and Water.**

**Commissioner Garner second.** Commissioner Wooten noted that the budget amendments of the Health Department were reviewed and approved unanimously by the Board of Health.

**Vote: 5/0**

*[All Budget Amendments are attached as Addendum D]*

(3) Chair Phillips reported that she and Commissioner Wooten had recently attended a Watershed Review Board meeting. Terms of the current Board members have expired and need to be reviewed for reappointment or replacement. Planning and Development Director, Kim Bates, will provide recommendations at a later time. Soil and Water Director, Jason Walker, had also attended the meeting and Chair Phillips suggested that Mr. Walker be added to this review Board as a regular member.

**Vice Chair Cornelius made a motion to approve the appointment of Soil and Water Director, Jason Walker, to the Watershed Review Board effective 11/1/08. Commissioner Garner second.**

**Vote: 5/0**

*Chair Phillips called for a break at 10:00am. Meeting resumed at 10:30am.*

(4) The Board reviewed the letter from Jonesville regarding charges for water usage and maintenance. Commissioner Wooten commented that he had issues with the \$21,058 charges from Jonesville as they should be considered operational expenses. In the original talks with Jonesville; that included Ken Larking, Commissioners Wooten and Phillips, and Town Manager, Ron Niland; the Town of Jonesville agreed to cover all operational costs while the

County would provide for repair and maintenance. Further, Mr. Niland was aware of the future revenue source with only an investment of operational expenses. Commissioner Wooten suggested that if the figures cannot be resolved, the water committee should reassemble for resolution. Chair Phillips commented that what ends up in writing is what matters and not what is recalled in a conversation. From Attorney Graham's interpretation of the agreement, which Commissioner Wooten had signed as the Chair, Yadkin County is liable for those charges. Commissioner Wooten stated that interpretation cannot be decided after the fact. Attorney Graham had assured the Board that it was a good agreement and should have reviewed the agreement a little closer. Commissioner Wagoner read directly from the agreement "... less any maintenance and repair cost." Commissioner Wooten remarked that maintenance and operational costs are not the same.

Attorney Graham responded that he was not involved in the negotiations that led to the agreement. Further, when Attorney Graham stated that the contract was acceptable, he was referring to the format, not the content. Attorney Graham stated that he could not verify if the terms were what each party agreed to because he was not there during discussions. Chair Phillips stated that Commissioner Wooten's comments toward Attorney Graham were unfair and that he should apologize. Commissioner Wooten offered his apologies but remarked that the County Attorney should inform the Board if any agreement has questionable content. Vice Chair Cornelius agreed with Commissioner Wooten that the County should not be responsible for the cost of water being "dumped on the ground." However, Vice Chair Cornelius pointed out that it is the responsibility of the County Attorney to review the legal form of a document, not to determine if the action is appropriate for the County. That responsibility falls on the Board. Commissioner Wooten stated that the agreement should be renegotiated before paying the charges. Attorney Graham asked the Board to consider this agreement from the Town of Jonesville's point of view. The County approached Jonesville about waterlines outside of their limits. The Town of Jonesville doesn't have a problem with this as long as it doesn't cost them any money. This was a County project, not Jonesville project. Commissioner Wooten contended that Jonesville received a revenue stream with these waterlines with no investment other than operational costs. Monthly revenue is divided between the Town and the County. The Town uses a portion of their revenue for operational

expenses, and the remainder is profit for the Town. Commissioner Wagoner asked Attorney Graham if the wording of the agreement requires payment by the County and Attorney Graham believes that it does. County Manager Kiser doesn't have a problem with paying a portion of the expenses, but states that the out-of-town rate is unreasonable and should be based on the cost of production. Vice Chair Cornelius agreed with the County Manager and added that Yadkin County has done so much for Jonesville and their water system, that Jonesville should be providing Yadkin County the best deal possible. Chair Phillips agreed that the agreement should be renegotiated for a lower rate, but that the current charges should be paid. County Manager Kiser added that an agreement should also be negotiated for the new waterplant.

**Vice Chair Cornelius made a motion authorizing County Manager Kiser to renegotiate the charges to either cost of production or the in-town rate and bring this information back to the Board at the November 17, 2008 meeting. Commissioner Garner second.** Commissioner Wagoner noted that the Interlocal Agreement did not state the rate the County would be charged. Commissioner Wooten added that no rate is mentioned in the agreement because there was not supposed to be a charge. The Board asked Arcadis Engineer, Randy Darden, to step forward and speak to this issue. Mr. Darden offered that maintenance is defined as breaks, repairs, or issues that are not anticipated. Further, Mr. Darden stated that the new lines are expected to require few repairs in the first 10 years. Mr. Darden added that conversations leading to the development of the agreement should be taken into consideration. Commissioner Wooten stated that Jonesville is charging the County \$5.26 per 1000 gallons after the initial 2,500 gallons. Mr. Darden remarked that is the out-of-town rate. Vice Chair Cornelius stated that there is a motion and second on the floor to renegotiate the charges. The only other options are to pay as charged or face litigation. Chair Phillips stated that she would like to see the County pay the portion of the charges that represent the in-town rate. Mr. Darden pointed out the 5<sup>th</sup> paragraph of the Interlocal Agreement. Discussion continued on the interpretation of maintenance versus operational costs. Attorney Graham pointed out that Commissioner Wooten's argument is an excellent point for renegotiation. Chair Phillips offered that any charges that do not require renegotiation should be paid right away to Jonesville.

**Vote: 4/1 (Phillips against)**

**Commissioner Wooten made a motion to re-assemble the Utility Committee to negotiate an agreement for the Jonesville Waterplant and renegotiate the Interlocal Agreement with Jonesville. Commissioner Wagoner second.**

**Vote: 5/0**

County Manager Kiser reported that failure to develop a subdivision ordinance as outlined in the Interlocal Agreement was simply an oversight and that Planning and Development Director, Kim Bates, has been instructed to present this to the Planning Board.

(5) The Board reviewed the RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE FINANCING OF A PORTION OF THE COST OF A FLOOD CONTROL AND WATER SUPPLY FACILITY. County Manager Kiser pointed out that the first 6 pages of these documents actually represent the resolution while the remainder are drafts of the closing documents to be signed on November 18. The loan amount is not to exceed \$7,725,000 at 4.19% for a 15-year term.

**Commissioner Garner made a motion to approve the RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE FINANCING OF A PORTION OF THE COST OF A FLOOD CONTROL AND WATER SUPPLY FACILITY. Commissioner Wagoner second.** Commissioner Wooten had the following questions and concerns with the financing documents:

- (a) Why does the County need an Escrow agreement? Attorney Graham responded that this is a construction loan. The bank will not allow the County Finance Department to manage these funds. The bank will deposit these funds in escrow for the County's use.
- (b) What are the fees? Attorney Graham explained that the fees are not part of these documents, but were outlined in the original RBC proposal.
- (c) Why is the Board reviewing a draft document that notes a borrowing amount of \$10,000,000 when the actual document for signature will be considerably less. Attorney Graham remarked that the County has

already agreed to borrow the money. These documents represent a draft of the final product that will be signed by Chair Phillips.

- (d) Page 66 of the agenda packet refers to a late fee. While Commissioner Wooten acknowledges that late payments are possible, he stated that it should not happen.
- (e) Commissioner Wooten asked for clarification on page 91 of the agenda packet, referring to the Opinion of Counsel to County, and asked if Mr. Graham had written the letter. Attorney Graham stated the letter represents the opinion of the County Attorney and is a standard form.
- (f) Commissioner Wooten questioned the assets covered by the proposed insurance documents.

Chair Phillips asked Commissioner Wooten if he was trying to stop the 5D Project. Commissioner Wooten remarked that he was not trying to stall the project but did not feel that the Board had been presented with good information. Vice Chair Cornelius remarked he felt as if Commissioner Wooten had an ulterior motive.

**Vote: 5/0**

***[RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT AND  
OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN  
DOCUMENTS IN CONNECTION WITH THE FINANCING OF A PORTION OF THE  
COST OF A FLOOD CONTROL AND WATER SUPPLY FACILITY  
is attached as Addendum E]***

(6) The Board reviewed the revised Capital Project Ordinance for 5D. Commissioner Wooten questioned the figures. County Manager Kiser provided the Board with a spreadsheet that further defines the figures. Manager Kiser offered that this ordinance was designed to incorporate the past revenues and expenses with the current/future revenues and expenses to represent a complete cost at completion.

**Vice Chair Cornelius made a motion to approve the Capital Project Ordinance for 5D. Commissioner Wooten second.**

**Vote: 5/0**

***[The Capital Project Ordinance for 5D is attached as Addendum F]***



(7) Arcadis Engineer, Randy Darden, appeared before the Board to deliver utility updates as follows:

- (a) Mr. Darden met with Steve Gandy, the engineer for the contracting agent on the chlorination station. Some of the monitors were removed reducing the costs. The parties anticipate the station will be operational by December.
- (b) Haymes Brothers filed an application for early mobilization. Attorney Graham has reviewed the hold harmless agreement. Haymes should begin to move equipment to the site this week.
- (c) Parties will be meeting with DENR on November 17, 2008 regarding the Jonesville waterplant. Mr. Darden has spoken with Steve Gandy. Mr. Gandy has most of the plans complete. The budget for this project appears to be on track.

### **MANAGER REPORTS/COMMENTS**

County Manager Kiser had the following comments:

- (1) Manager Kiser continues to discuss and plan for office space and storage needs.
- (2) Manager Kiser has met with the Finance Department. Expenses continue to be in line with budgeted amounts
- (3) To date, tax collections for 2008 are at 53.71%, up from 51.45% in 2007.
- (4) There are 3 training sessions for eCivis scheduled for December 8, 2008.
- (5) Manager Kiser is working with the Yadkin County Safety Committee to develop a safety handbook for all employees. Some information has been identified as unnecessary while other items that should be addressed have been disregarded.

### **CALENDAR NOTES**

No discussion occurred.

### **COMMISSIONER COMMENTS**

Commissioner Wagoner had no additional comments.

Commissioner Wooten had no additional comments.

Commissioner Garner had no additional comments.

Vice Chair Cornelius had these additional comments:

(1) Based on conversations that Vice Chair Cornelius had with Board members, Vice Chair Cornelius asked Attorney Graham to draw up a lease agreement for Surry Children's Center for lease of the old group home. The Board will review the lease at the November 17, 2008 meeting. The lease agreement will then go to the Board of the Surry Children's Center for review at their meeting on November 24, 2008.

(2) Vice Chair Cornelius provided a suggested Dress Code Policy for Yadkin County employees. The policy also indicates wide-sweeping authority and the discretion of the County Manager.

**Vice Chair Cornelius made a motion to adopt the suggested Dress Code Policy and add to the Yadkin County Personnel Resolution effective immediately. A second was not required as this motion was brought forth by the Personnel Committee.**

**Vote: 5/0**

(3) Vice Chair Cornelius will be speaking to a 5<sup>th</sup> grade class at Jonesville Elementary School today. Vice Chair Cornelius noted that his granddaughter, Kaitlyn, has been learning about the Presidential election in this class and has learned how many electoral votes are required to win. Vice Chair Cornelius will be speaking about local government and the role that County Commissioners play in politics.

(4) Vice Chair Cornelius encouraged all to vote on Tuesday, November 4 and exercise their Constitutional Right.

Chair Phillips had these additional comments:

(1) Chair Phillips reported that she had recently participated in the Legislative Goals Committee of the North Carolina Association of County Commissioners. Every 2 years, the NCACC establishes goals in the following 7 categories: taxation and finance, human services, environment, justice and public service,

agriculture, intergovernmental relations, and public education. The NCACC then presents these goals to the Legislature as a unified front to support County needs. Subcommittees are established to discuss specific goals. The subcommittee of Chair Phillips discussed the first 4. At the initial meeting, priorities are not established. Priorities will most likely be established at the next subcommittee meeting. A Legislative Goals Conference will be held in mid-January. Chair Phillips encouraged someone from the new Board to attend this conference to represent Yadkin County. General information was provided; such as the announcement that the State of North Carolina will experience a \$1.5 to \$2.14 billion shortfall for 2009-2010 and County Boards of Commissioners were reminded that they are extensions of the State Government and are obligated to implement and follow certain state policies. In particular, Chair Phillips noted that part of the County tax rate is mandated by the State. Chair Phillips reported that Dale Folwell, a former Commissioner of Forsyth County and a current candidate, will be introducing a bill to the Legislature regarding uncollected ambulance bills. As this is an issue for Yadkin County, EMS Director, Brent Hawks is working on this as well. Chair Phillips noted that the State of North Carolina did provide a 'bail-out' of Medicaid during the last fiscal year; North Carolina being the last in the United States to shift Medicaid costs to the State from the Counties. However, some counties are experiencing as much or more costs on Foster Care due to a shift from State to County responsibility. This shift is to become effective January 1 or July 1. Chair Phillips added that the North Carolina Association of County Commissioners represents rural counties well and presents issues to the Legislature that are important to rural areas as well as urban.

(2) Chair Phillips acknowledged a letter that the Board received from YVEDDI thanking the Board for the \$50,000 allocation for relocation of their facility.

(3) Chair Phillips has been assisting with interviews for the Teaching Fellow Scholarships for 2 years, but was able to participate in the interviews for local students this year. Interviews were conducted with 6 Starmount students and 1 Forbush student. The scholarships offer \$7,500 per year for 4 years with an agreement to teach in North Carolina for 4 years.

(4) Chair Phillips also reminded everyone to vote on the following day.

Commissioner Wooten added that he had recently attended a meeting in which Chad Atkins of the John Locke Foundation spoke regarding State budget shortfalls. It was estimated that the State will experience a 10% revenue shortfall for 2009-2010. History indicates that the State will turn to the counties to offset that shortfall. There has been discussion of altering the lottery formula as well.

Attorney Graham had these additional items for discussion:

(1) Yadkin County is required by law to provide the incoming and outgoing email data that was requested by Alice Singh at the last meeting. Attorney Graham had spoken with David Lawrence at the School of Government and was informed that there is no 'statute of limitations' on the data that is being requested whether 2 years or 15. It was noted that the City of Charlotte has a similar situation that has cost \$170,000. Mr. Lawrence suggested that the Board members screen any saved emails and that Board members are not required to share any information that is deemed privileged or personal information. County Manager Kiser and IT Director Shugart are working to fulfill Ms. Singh's request but it will take some time.

(2) Yadkin County received a letter from NCDENR in December 2007 regarding violations with the underground gas tank. Eric Williams, County Manager at the time, presented this letter at the December 17, 2007 meeting of the Board. The County had the option to complete a temporary closure or permanent closure. According to the minutes of that meeting, Mr. Williams suggested budgeting for the permanent closure for 2008-2009 and opted for a temporary closure at a cost of \$1250. The Board approved a temporary closure with a 5/0 vote. The temporary closure was completed and the invoice was paid in February or March. However, the required periodic reports to DENR were not done resulting in a \$15,000 fine. Yadkin County had 3 options: pay the fine, submit a form for request for remission, or contest in administrative court. Attorney Graham completed the forms for request for remission. Attorney Graham has been working with Arcadis Engineer, Randy Darden, to determine the steps necessary to complete a permanent closure and the estimated costs.

Commissioner Wooten asked Attorney Graham if Alice Singh could be assessed a charge for the information she has requested. Attorney Graham replied that the Board could assess a nominal fee but could not charge for the labor required to produce the information. Commissioner Wooten asked how long the County is required to retain email records. Chair Phillips remarked that retention of emails is a legal requirement and not at the discretion of the County. Attorney Graham suggested that emails be deleted when they are no longer needed and that conversations concerning projects should be discussed via telephone.

**Vice Chair Cornelius made a motion to enter a Closed Session for the evaluation of Clerk Brown per NCGS 143-318.11 (a) (6). Commissioner Garner second.**

**Vote: 5/0**

**Vice Chair Cornelius made a motion to end the Closed Session. Commissioner Wooten second.**

**Vote: 5/0**

**Commissioner Wooten made a motion to adjourn. Commissioner Wagoner second.**

**Vote: 5/0**

Meeting adjourned at 11:50am.

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Prepared by Clerk to the Board

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Date Approved by the  
Yadkin County Board of Commissioners